

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 HUY VAN TRAN,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.
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CASE NO. C18-0323-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 Petitioner has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his
18 sentence (Dkt. No. 1). After a preliminary review of the motion, the court hereby ORDERS that:

19 (1) If not previously accomplished, electronic posting of this order and petition shall
20 effect service upon the United States Attorney, copies of the 2255 motion and of all documents in
21 support thereof.

22 (2) Within **thirty (30) days** after such service, the United States shall file and serve an
23 Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States
24 District Courts. As part of such Answer, the United States should state its position as to whether
25 an evidentiary hearing is necessary, whether there is any issue as to abuse or delay under Rule 9,
26 and whether petitioner's motion is barred by the statute of limitations.

(3) **On the face of the Answer, the United States shall note the Answer for consideration on the fourth Friday after it is filed, and the Clerk shall note the Answer accordingly.** Petitioner may file and serve a response not later than on the Monday immediately preceding the Friday designated for consideration of the matter. The United States may file and serve a reply brief not later than on the Thursday immediately preceding the Friday designated for consideration of the matter.

(4) Filing and Service by Parties Generally

All attorneys admitted to practice before this Court are required to file documents electronically via the Court's CM/ECF system. Counsel are directed to the Court's website, www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF. All non-attorneys, such as pro se parties and/or prisoners, may continue to file a paper original of any document for the Court's consideration. A party filing a paper original does not need to file a chambers copy. All filings, whether filed electronically or in traditional paper format, must indicate in the upper right hand corner the name of the Magistrate Judge to whom the document is directed.

For any party filing electronically, when the total of all pages of a filing exceeds fifty (50) pages in length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be delivered to the Clerk’s Office for chambers. The chambers copy must be clearly marked with the words “Courtesy Copy of Electronic Filing for Chambers.”

Additionally, any document filed with the Court must be accompanied by proof that it has been served upon all parties that have entered a notice of appearance in the underlying matter.

DATED this 6th day of March 2018.

William M. McCool
Clerk of Court

s/Tomas Hernandez
Deputy Clerk